

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SCOTT L. BAENA, Litigation Trustee of	:	
the Lernout & Hauspie Speech Products,	:	
N.V. Litigation Trust,	:	04-CV-12606-PBS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KPMG LLP and	:	
KLYNVELD PEAT MARWICK	:	
GOERDELER BEDRIJFSREVISOREN,	:	
	:	
Defendants.	:	

**DEFENDANT KLYNVELD PEAT MARWICK GOERDELER
BEDRIJFSREVISOREN'S MOTION TO DISMISS THE COMPLAINT**

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Goerdeler Bedrijfsrevisoren*

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Defendant Klynveld Peat Marwick Goerdeler Bedrijfsrevisoren (“KPMG-B”) hereby moves to dismiss Plaintiff’s Complaint pursuant to Rules 12(b)(6) and 12(b)(2) of the Federal Rules of Civil Procedure and pursuant to the doctrines of *forum non conveniens* and international comity. The grounds for this motion are set forth in the accompanying Memorandum of Law and in the supporting Declaration of Michel Desai and Declaration of Nicholas W.C. Corson.

Dated: January 7, 2005. For the reasons set forth in the Memorandum of Law and accompanying declarations, KPMG-B respectfully requests that the Court issue an order granting its motion to dismiss the Complaint, with prejudice, and for such other relief as the Court deems just and proper.

Dated: January 7, 2005

Respectfully submitted,

Michael J. Stone, Esq.
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By: /s/ Nicholas W.C. Corson
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Certificate of Service

I, Nicholas W.C. Corson, hereby certify that on January 7, 2005, I caused a true copy of KPMG-B's Motion to Dismiss the Complaint, to be electronically filed and served upon the following counsel of record by electronic mail and by first-class U.S. mail:

/s/ Nicholas W.C. Corson

Nicholas W.C. Corson

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